



City of Annapolis
Board of Port Wardens
Department of Planning and Zoning
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MINUTES

BOARD OF PORT WARDENS

Tuesday, January 23, 2018

Mayor John T. Chambers, Jr., City Council Chamber
7:30pm

A. **CALL TO ORDER:** Gene Godley, Chair 7:34pm

B. **ROLL CALL:**

Members Present: Gene Godley-**Chair**, Randall Adams-**Vice Chair**, Eric Pickett, Jr.

Members Absent: Willie Sampson

Staff: Pete Gutwald, Gary Elson, Kevin Scott

C. **APPROVAL OF AGENDA**

Vice Chair Adams moved approval of the agenda as presented. Mr. Pickett seconded the motion. The motion passed unanimously in a vote of 3-0.

D. **ADMINISTRATIVE**

1. **Election of Officers**

Vice Chair Adams moved to nominate **Chair** Godley to continue serve as Chair of the Port Wardens. Mr. Pickett seconded the motion. The motion passed unanimously in a vote of 3-0.

Chair Godley moved to nominate **Vice Chair** Adams to continue to serve as Vice Chair of the Port Wardens. Mr. Pickett seconded the motion. The motion passed unanimously in a vote of 3-0.

2. **December 4, 2017 Meeting Minutes:**

Mr. Pickett moved approval of the December 4, 2017 meeting minutes as written.

Vice Chair Adams seconded the motion. The motion passed unanimously in a vote of 3-0.

Chair Godley administered the oath en masse to all persons intending to testify at these hearings.

E. **OLD BUSINESS**

1. **PORT2017-024** – Pyramid Maritime One, LLC and Pyramid Maritime Two, LLC c/o “South Annapolis Yacht Centre”, 1 Walton Lane: To dredge and reconfigure the existing commercial marina. The existing marina contains as 85 slips. The proposed reconfiguration will reduce the total number of slips down to 69 slips. See plans for detailed description of proposed work. **DELIBERATIONS.**

The application for South Annapolis Yacht Centre was continued from the December 4, 2017 meeting and the record was reopened for submission of the memorandums and plans on the lateral lines. Prior to deliberations, Mr. Hyatt, Applicant Attorney, motioned to strike the Appellant’s report because it was not responsive to the request of the Chair. **Chair** Godley denied the motion noting that the Port Wardens will make a determination on if or how the Appellant was responsive to the request.

Mr. Elson clarified that the purpose of the hearing is for submission of the memorandum and drawings on the lateral lines; questions and answers from Attorney and their experts; to hear from Staff on their memorandum; and deliberations. Mr. Hartman, Appellant’s Attorney, motioned that he believes the application was amended so should be withdrawn. Mr. Scott summarized that the exhibits submitted by Mr. Hyatt complies with Title 15 and that the exhibits submitted by Mr. Hartman failed to comply with the Title 15.

Mr. Hyatt closed that he believes that the lateral lines calculation submitted by the applicant is correct and that the application has not been amended but clarified. Mr. Hartman stated an objection due to the timing of the delivery of information from the City and that he was not provided opportunity to address Mr. Hyatt other than during his closing. He concluded that the Port Wardens has to make a decision on whether the property belongs to Newport Condominiums or South Annapolis Yacht Center specifically that this is an issue relating to riparian property rights.

Chair Godley closed public hearing at 8:44pm.

Chair Godley moved to conditionally approve the application to grandfather the nine existing slips to the east of the current bulkhead so that they remain unchanged supplemented by a finding of the approval of the two lateral lines on both the east and west end of the property. The Port Wardens believes that the proposed structure is an improvement over the current structure because it will have a positive effect on the stormwater management, marine and wildlife, conservation, and pollution, it does not diminish the existing 35-year old structure or add any navigational hazards, increased congestion or alter any riparian rights. **Vice Chair** Adams seconded the motion. The motion passed unanimously in a vote of 3-0.

Chair Godley accepted the following exhibits into the record.

Exhibit Number	Board of Port Wardens Exhibit Type
A	Staff Memorandum dated January 23, 2018
B	Applicant Memorandum with attachments
C	Appellant Memorandum with attachments
D	Hartman PowerPoint Presentation

F. NEW BUSINESS

- 1. Appeal to the Board of Port Wardens** – In accordance with Section 15.04.070 of the Annapolis City Code, Mr. David M. Epstein has filed an appeal of the City of Annapolis Harbormaster's decision, under Section 15.20.150 to decline his permit renewal request for City Mooring #23.

Mr. Epstein received a letter from the Harbormaster informing that he did not occupy the mooring for 45 days so are enforcing the contract and he is appealing the Harbormaster's decision.

Mrs. Bellis, Harbormaster, defended her decision to enforce the contract noting that Mr. Epstein was advised of an ordinance that requires that the moorings not be left unoccupied more than 60 days from May 1st and October 1st and he signed an agreement but did not occupy the moorings with a vessel in 2017.

Chair Godley accepted the following exhibits into the record.

Exhibit Number	Board of Port Wardens Exhibit Type
A	City Harbormaster Documentation <ul style="list-style-type: none"> • Harbormaster's Report dated January 12, 2018 • Annapolis City Code Section 15.20.150 • Epstein Timeline • Application for 2017 Annual Mooring Permit Renewal • Application for 2017 Annual Mooring Permit Page 1-9 • Utility Billing Water Residential dated December 2, 2016 • Real Property Data Search • Rental Unit Operations License • Copy of Certified Letter Envelope to Mr. Epstein

Chair Godley moved to deny the appeal because an agreement was signed and dated. **Vice Chair** Adams seconded the motion. The motion passed unanimously in a vote of 3-0.

- 2. PORT2017-027** – Andrew and Jill Petit, 519 Horn Point Drive: Install second boat lift, requiring moving 1 piling and installing two new pilings.

Mr. Petit explained that the proposal is to install a second lift at the end of the pier on the property within the current footprint of the pilings that current exist on the property. He has already received approval from MDE and Corp of Engineers.

Chair Godley accepted the following exhibits into the record.

Exhibit Number	Board of Port Wardens Exhibit Type
A	Staff Memorandum dated January 12, 2018 with attachments

Chair Godley moved to approve the application as presented. **Vice Chair** Adams seconded the motion. The motion passed unanimously in a vote of 3-0.

- 3. PORT2017-028** – Brett Davis & Jessica Tavasti, 1001 Moss Haven Court: Install 6' x 36' pier; 10' x 20' platform; 4 mooring piles; 2 lift piles and boat lift; and 160 LF revetment.

Ms. Heinshon, Representative for the Applicant, explained that the application proposes to replace the existing pier with a new one and to add some stones to the existing revetment.

Vice Chair Adams moved approval of the application as stipulated that approval does not have any comment on the accuracy of lateral lines as shown on the drawing and no boat to be moored over the harbor line at the end of the pier. Mr. Pickett seconded the motion. The motion passed unanimously in a 3-0.

Chair Godley accepted the following exhibits into the record.

Exhibit Number	Board of Port Wardens Exhibit Type
A	Staff Memorandum dated January 12, 2018 with attachments

- 4. PORT2017-029** – Harborview HOA, c/o John Burks, President 8 Little Harbor Way: Modify existing community pier as follows: Finger Pier 2/3 – Extend to meet existing channelward pole 5’ wide; Slip 3 – Add 2 poles to place lift 12’ x 15’; Slip 5 – Add 2 poles to place lift 15’ x 15’; Slip 6 – Add 2 poles to place lift 12’x 15’; Finger Pier 6/7 – Extend to meet existing channelward pole 5’ wide; Finger Pier 8/9 – Widen to square off at 5’ wide; Slip 9 – Add 4 poles to place lift 12’ x 11’ and add two PWC lifts to existing structure; Rear of Pier – Place floating kayak platform 10’ x 20’. All work to be done within the existing pier footprint.

Ms. McNicholas, Permit Connection, facilitated the permits for the community dock alterations for a ten slip pier.

Chair Godley accepted the following exhibits into the record.

Exhibit Number	Board of Port Wardens Exhibit Type
A	Staff Memorandum dated January 12, 2018 with attachments
B	Applicant’s Exhibit Packet <ul style="list-style-type: none">• Riparian Property Owners Within 500’ of Harborview HOA• Harborview HOA Pier Proposed• Maryland Department of the Environment Letter dated January 11, 2018• Notice of Port Wardens Hearing January 15-16, 2018• Posting of Signs John Burks Email dated January 12, 2018

Chair Godley moved approval of the application as submitted. **Vice Chair** Adams seconded the motion. The motion passed unanimously in a vote of 3-0.

- 5. PORT2017-030** – Greg Ostrowski, 405 Monterey Avenue: Install a 6’ x 80’ pier with a 14’ x 10’ platform; 4 lift piles with 2 lifts; Install a 3’ x 10’ catwalk with 1 mooring pile and 1 PWC lift. All work performed by barge via water access.

Mr. Musser, Applicant Representative, explained that the application proposes to replace the existing pier with a 75-foot long pier.

Chair Godley accepted the following exhibits into the record.

Exhibit Number	Board of Port Wardens Exhibit Type
A	Staff Memorandum dated January 12, 2018
B	Revised Site Plan dated January 23, 2018

Vice Chair Adams moved approval of the application conditioned that no boat be moored at the end of the pier. **Chair** Godley seconded the motion. The motion passed unanimously in a vote of 3-0.

D. ADJOURNMENT

The next meeting is scheduled for February 27, 2018 at 7:30pm in Council Chambers.

With there being no further business, Mr. Picket moved to adjourn the meeting at 10:05pm. **Vice Chair** Adams seconded the motion. The motion passed unanimously in a vote of 3-0.